



PRIORITY SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 08-1848-VAP (SSx)

Date: February 10, 2009

Title: JOSE A. GARCIA and AURELIA J. GARCIA -v- NDEX WEST, LLC;
AMERICA'S SERVICING COMPANY; and DOES 1-50, inclusive

=====

PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER GRANTING MOTION TO DISMISS
WITHOUT PREJUDICE (IN CHAMBERS)

The Court has received and considered all papers filed in support of Defendant Wells Fargo Bank, N.A. dba America's Servicing Company's "Motion to Dismiss Complaint And For More Definite Statement" ("Motion"). Defendant's Motion is appropriate for resolution without a hearing. See Fed. R. Civ. P. 78; L. R. 7-15. The hearing set for the matter on February 23, 2009 at 10:00 a.m. is VACATED.

Defendant filed its Motion on January 5, 2009 to be heard on February 23, 2009. Under Local Rule 7-9, a party must file opposition papers no later than 14 days before the date designated for the hearing of the motion. Plaintiffs Jose A.

MINUTES FORM 11
CIVIL -- GEN

Page 1

Initials of Deputy Clerk dts

EDCV 08-1848-VAP (SSx)
JOSE A. GARCIA and AURELIA J. GARCIA v NDEX WEST, LLC, et al.
MINUTE ORDER of February 10, 2009

Garcia and Aurelia J. Garcia are represented by counsel and filed no timely opposition.

Under Local Rule 7-12, the Court finds Plaintiffs have consented to granting the Motion. Accordingly, Plaintiffs' Complaint is dismissed without prejudice.

IT IS SO ORDERED.